

ENFORCEMENT DECREE OF THE COPYRIGHT ACT

Wholly Amended by Presidential Decree No. 20135, Jun. 29, 2007

Amended by Presidential Decree No. 20676, Feb. 29, 2008

Presidential Decree No. 21148, Dec. 3, 2008

Presidential Decree No. 21634, Jul. 22, 2009

Presidential Decree No. 21676, Aug. 6, 2009

Presidential Decree No. 22003, Jan. 27, 2010

Presidential Decree No. 23001, Jun. 30, 2011

Presidential Decree No. 23338, Dec. 2, 2011

Presidential Decree No. 23928, Jul. 4, 2012

Article 1 (Purpose)

The purpose of this Decree is to provide for the matters delegated by the Copyright Act and the matters necessary for its enforcement.

Article 1-2 (Formulation of Policies for Protection of Copyright)

(1) The following matters shall be included in policies on education and public relations for raising public awareness of copyright, which are formulated and executed by the Minister of Culture, Sports and Tourism pursuant to Article 2-2 (1) 2 of the Copyright Act (hereinafter referred to as the "Act"):

1. Matters concerning training of human resources specialized in copyright;
2. Matters concerning education of copyright to juveniles;
3. Matters concerning public relations of the proper utilization of works;
4. Other matters deemed necessary by the Minister of Culture, Sports and Tourism for raising public awareness of copyright.

(2) The following matters shall be included in policies on the rights management information and

technical protection measures of works, stage performances, music records, broadcasts or database (hereinafter referred to as “works, etc.”), which are formulated and executed by the Minister of Culture, Sports and Tourism pursuant to Article 2-2 (1) 3 of the Act:

1. Development of the standard system for the integrated management of the rights management information;
 2. Reasons for the exception of prohibition of removal, modification or so of the rights management information;
 3. Standardization of technical protection measures;
 4. Reasons for the exception of prohibition of incapacitation of technical protection measures;
 5. Other matters deemed necessary by the Minister of Culture, Sports and Tourism for the rights management information and technical protection of works, etc.
- (3) If the Minister of Culture, Sports and Tourism intends to formulate policies pursuant to Article 2-2 (1) of the Act, he/she shall collect opinions of the related business circle, interested parties or such, and consult with the head of the related central administrative agency.
- (4) Where the Minister of Culture, Sports and Tourism has formulated policies pursuant to Article 2-2 (1) of the Act, he/she shall post their contents on the Internet homepage of the Ministry of Culture, Sports and Tourism.

[This Article Newly Inserted by Presidential Decree No. 21634, Jul. 22, 2009]

Article 2 (Submission of Detail, such as Reproduction, Performance, etc.)

Those who intend to exploit works pursuant to Article 25 (1) and (2) of the Act shall submit the detail of reproduction, distribution, performance, broadcast and forwarding to an organization (hereinafter referred to as the “compensation-receiving organization”) that exercises the right to receive compensation pursuant to Article 25 (5) of the Act, and shall pay the corresponding amount of compensation money. *<Amended by Presidential Decree No. 21634, Jul. 22, 2009>*

Article 3 (Designation of Compensation-Receiving Organization)

(1) When the Minister of Culture, Sports and Tourism intends to designate a compensation-receiving organization, he/she shall designate an organization meeting the requirements in the subparagraphs of Article 25 (5) of the Act, wherein the voting rights, etc. of the members shall be equal and the decision of the organization shall be made democratically. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

(2) When the Minister of Culture, Sports and Tourism designates an organization pursuant to paragraph (1), he/she shall announce it in the Official Gazette. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

Article 4 (Regulations on Duties of Compensation)

The compensation-receiving organization shall lay down regulations on the duties of compensation which involve the following matters, and shall obtain approval from the Minister of Culture, Sports and Tourism. If any alteration is intended, the same shall apply: *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

1. Method of collecting compensation money and procedures thereof;
2. Distribution of compensation money;
3. Fees;
4. Management of compensation.

Article 5 (Accounting)

The compensation-receiving organization shall keep the accounts of compensation money separately from other accounts.

Article 6 (Revocation of Designation)

(1) If the Minister of Culture, Sports and Tourism intends to revoke the designation of compensation-receiving organization pursuant to Article 25 (7) of the Act, he/she shall hold a hearing. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

(2) Where the Minister of Culture, Sports and Tourism has revoked the designation of compensation-

receiving organization, he/she shall announce the fact in the Official Gazette. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

Article 7 (Announcement of Distribution of Compensation)

The compensation-receiving organization shall notify the matters regarding the distribution of compensation involving the following matters in a general daily newspaper registered with a nationwide distribution pursuant to Article 9 (1) of the Act on the Promotion of Newspapers, etc., and on the Internet homepage of the compensation-receiving organization and of the Ministry of Culture, Sports and Tourism, respectively. In such cases, they shall be posted for one month or more where they are announced on the Internet homepage: *<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009; Presidential Decree No. 22003, Jan. 27, 2010>*

1. Grounds for payment;
2. Standards and object of payment;
3. Methods of payment;
4. Payment deadline and methods of managing undistributed compensation money;
5. Person in charge and contact address.

Article 8 (Use of Undistributed Compensation for Purpose of Public Interest)

(1) The term “purpose of public interest” in Article 25 (8) of the Act means any of the following purposes: *<Amended by Presidential Decree No. 21634, Jul. 22, 2009>*

1. Education, publicity and research of copyright;
2. Management and provision of copyright information;
3. Support to the creation of works;
4. Project to protect copyrights;
5. Project to safeguard the right and interest of authors;
6. Project to activate the exploitation of works and to devise impartial exploitation of works.

(2) If the compensation-receiving organization intends to obtain approval for the use of undistributed

compensation money pursuant to Article 25 (8) of the Act, it shall submit a document stating the following matters to the Minister of Culture, Sports and Tourism: *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

1. Date of notification of distribution of compensation money;
2. Amount to apply for approval;
3. Use for compensation money;
4. Plan to use compensation money;
5. Date of application for approval.

(3) When the compensation-receiving organization has used the undistributed compensation money, it shall prepare a report of use and submit it to the Minister of Culture, Sports and Tourism within six months. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

Article 9 (Necessary Measures, such as Measures to Prevent Reproduction by Education Institution)

The term “necessary measures prescribed by Presidential Decree” in Article 25 (10) of the Act means the following measures:

1. Technical measures falling under the following items that are necessary for the prevention of unlawful exploitation:
 - (a) Measures of limitation of access by which those other than the persons who have lessons cannot exploit the forwarded works;
 - (b) Measures of prevention of reproduction by which those other than the persons who have lessons cannot reproduce the forwarded works;
2. Indication of a warning regarding the protection of copyright on the works;
3. Installation of equipment to calculate compensation regarding forwarding.

Article 10 (Standards for Reasonable Scope, etc.)

The Minister of Culture, Sports and Tourism shall lay down and announce a guideline on the reasonable scope and fair practices pursuant to Article 28 of the Act. *<Amended by Presidential Decree*

Article 11 (Exception to Public Performance with respect to Commercial Music Records, etc.)

The term "cases prescribed by Presidential Decree" in the proviso to Article 29 (2) of the Act means any of the following public performances: <Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009; Presidential Decree No. 21676, Aug. 6, 2009>

1. A public performance in the following items presented at a place of business pursuant to subparagraph 8 of Article 21 of the Enforcement Decree of the Food Sanitation Act:
 - (a) A public performance presented at an entertainment pub restaurant pursuant to subparagraph 8 (c) of Article 21 of the Enforcement Decree of the Food Sanitation Act and at an entertainment drinking facility pursuant to item (d) of the same subparagraph;
 - (b) A public performance presented at the places of business that do not fall under item (a), whose part of the main contents of business is having the people appreciate music or cinematographic works by equipping with the equipments fit for appreciating music or cinematographic works;
2. A public performance given at any racecourse under the provisions of the Korean Racing Association Act and any bicycle race track and motorboat racing area under the provisions of the Bicycle and Motorboat Racing Act;
3. A public performance given at any specialized sports facilities prescribed by Ordinance of the Ministry of Culture, Sports and Tourism among golf courses, skiing grounds, aerobic dance halls, dance halls, dancing schools or specialized sports facilities under the provisions of the Installation and Utilization of Sports Facilities Act;
4. A public performance given at any passenger plane operated by the air transport business under the Aviation Act, any ship for the marine passenger transport business under the Marine Transportation Act and any passenger train under the Railroad Enterprise Act;
5. A public performance given at any hotel, resort condominium, casino, or amusement facility

under the provisions of the Tourism Promotion Act;

6. A public performance given at major supermarkets, specialty stores, department stores, or shopping centers under Article 3 of the Enforcement Decree of the Distribution Industry Development Act;
7. A public performance of cinematographic works for sale given at a lodging facility pursuant to Article 2 (1) 2 of the Public Health Control Act or at a public bathhouse pursuant to subparagraph 3 (b) of the same paragraph by equipping with the device for appreciating cinematographic works;
8. A public performance in the form of playback of cinematographic works for sale for which six months have not passed from the date of publication in any of the following facilities, which are equipped with an installation for the appreciation of cinematographic works:
 - (a) Buildings and annexed facilities of the State and local governments (including subordinate institutions);
 - (b) Public performance places under the provisions of the Public Performance Act;
 - (c) Museums and art galleries under the provisions of the Museum and Art Gallery Support Act;
 - (d) Libraries under the provisions of the Library Act;
 - (e) Local cultural institutes under the provisions of the Promotion of Local Cultural Institutes Act;
 - (f) Social welfare service houses under the provisions of the Social Welfare Services Act;
 - (g) Facilities related to women under subparagraph 3 of Article 2 of the Framework Act on Women's Development;
 - (h) Juvenile training houses under the provisions of subparagraph 1 (a) of Article 10 of the Juvenile Activity Promotion Act;
 - (i) Si/Gun/Gu residents halls among the public facilities under the provisions of Article 144 of the Local Autonomy Act.

Article 12 (Scope of Facilities Permitted to Reproduce)

The term “facilities prescribed by Presidential Decree” in the main sentence of the part other than the subparagraphs of Article 31 (1) of the Act means either of the following facilities:

1. The National Library of Korea, public libraries, university libraries, school libraries, and specialized libraries pursuant to the Library Act (excluding the specialized libraries established by any juristic person or organization for the purpose of making profits, whose main purpose is to provide library services only to the persons belonging thereto);
2. Facilities established by the State, local governments, or nonprofit corporations or organizations for the purpose of preserving and lending books, documents, records, and other materials (hereinafter referred to as “book, etc.”), or for the purpose of public utilization.

Article 13 (Necessary Measures, such as Measures to Protect Reproduction by Libraries, etc.)

The term “necessary measures prescribed by Presidential Decree” in Article 31 (7) of the Act means the following measures:

1. Technical measures falling under each of the following items, which are necessary to prevent any illegal utilization:
 - (a) Measures to prevent reproduction which make users of the facilities pursuant to Article 12 (hereinafter referred to as “library, etc.”) unable to exploit books, etc. in a way other than reading within the library, etc.;
 - (b) Measures to limit access to books, etc. to persons other than the users of library, etc.;
 - (c) Measures to identify the cases where users of library, etc. exploit books, etc. in a way other than reading within the library, etc., or have altered the contents of books, etc.;
 - (d) Installation of devices capable of preventing any person from utilizing the electronic-recording medium manufactured for the purpose of selling them;
2. Education of the employees of library to prevent any infringement of copyright;

3. Posting of warning signs on computers, etc. regarding the protection of copyright;
4. Installation of devices to compute the compensation money pursuant to Article 31 (5) of the Act.

Article 14 (Facilities for Visually Handicapped Persons, etc. where Reproduction, etc. is Permitted)

(1) The term "facilities prescribed by Presidential Decree" in Article 33 (2) of the Act means any of the following facilities: *<Amended by Presidential Decree No. 21634, Jul. 22, 2009>*

1. Facilities falling under any of the following items among disabled persons' welfare facilities under the provisions of Article 58 (1) of the Welfare of Disabled Persons Act:
 - (a) Living facilities for the visually handicapped, etc.;
 - (b) Braille libraries;
 - (c) Facilities to take care of the visually handicapped, etc. among rehabilitation facilities for disabled persons in regional society and vocational rehabilitation facilities for them;
2. Special schools and schools of all levels which have special classes for the visually handicapped, etc. under the Early Childhood Education Act, the Elementary and Secondary Education Act and the Act on Special Education for the Disabled Persons, etc.;
3. Facilities established and operated by the State, local governments, non-profit corporations or organizations for the purpose of education, academic research or promotion of welfare of the visually handicapped, etc.

(2) The term "exclusive recording method for the visually handicapped, etc. prescribed by Presidential Decree" in Article 33 (2) of the Act means any of the following methods: *<Newly Inserted by Presidential Decree No. 21634, Jul. 22, 2009>*

1. An information recording method in electronic form aiming at giving expression in braille;
2. An information recording method aiming at converting printed matters into a voice;
3. A digital voice information recording method which has been standardized for the visually handicapped persons;
4. An information recording method to which technical protection measures have been applied,

which enable no person other than the visually handicapped persons to utilize.

Article 15 (Scope of Visually Handicapped Persons, etc.)

The scope of the visually handicapped, etc. pursuant to the provisions of Article 33 of the Act shall be as follows:

1. Persons falling under any of the following items among the visually handicapped under subparagraph 3 of attached Table 1 of the Enforcement Decree of the Welfare of Disabled Persons Act:
 - (a) Persons whose eyesight of good eye (referring to the corrected eyesight that has been measured with the universal eye chart) is not more than 0.2;
 - (b) Persons whose visual field of both eyes remain not more than 10 degrees respectively in their main visual point;
2. Persons who are unable to handle the books due to physical or mental handicaps, or unable to make normal reading due to evident damages to their reading abilities.

Article 16 (Facilities for Preservation of Sound Recordings, etc.)

The term "place prescribed by Presidential Decree" in the proviso to Article 34 (2) of the Act means a place within any of the following facilities:

1. Facilities set up and operated by the State or local governments for the purpose of preserving recorded materials;
2. Facilities operated by any broadcasting business operator as prescribed in the provisions of subparagraph 3 of Article 2 of the Broadcasting Act to collect and preserve sound and visual recordings which are offered for broadcasting, or in which such recordings are preserved on his/her commission.

Article 17 (Method of Indicating Source)

The Minister of Culture, Sports and Tourism may lay down and announce a guideline on the

reasonable method of indicating source according to the circumstances of use of works pursuant to Article 37 (2) of the Act. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

Article 18 (Standards for Considerable Endeavor)

The term "considerable endeavor which meets the standards prescribed by Presidential Decree" in Article 50 (1) of the Act means to satisfy all the following requirements: *<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009; Presidential Decree No. 22003, Jan. 27, 2010>*

1. That there shall be a reply saying that they do not have a knowledge thereof, or there shall be no answer even though one month has passed from the date the paper has been sent out when a paper with a fixed date that inquires into the name or title, address or residence of the holder of author's property right has been sent out to a copyright trust management business provider (where there is no copyright trust management business provider who manages works in the relevant field to which the relevant work belongs, two or more persons from among the copyright agency and brokerage business providers pursuant to Article 105 (1) of the Act or the exploiters who have been permitted to exploit the relevant work) pursuant to Article 105 (1) of the Act who manages the work concerned;
2. That ten days passed from the date on which the matters, etc. of inquiry pursuant to subparagraph 1 have been announced as stipulated by Ordinance of the Ministry of Culture, Sports and Tourism in a general daily newspaper registered with a nationwide distribution pursuant to Article 9 (1) of the Act on the Promotion of Newspapers, etc., or in the website of the Ministry of Culture, Sports and Tourism and of the Korea Copyright Commission (hereinafter referred to as the "Commission") pursuant to Article 112 of the Act.

Article 19 (Application for Approval for Exploitation, etc. of Works)

Those who intend to obtain approval for the exploitation or broadcast of a work or for the production of music records from the Minister of Culture, Sports and Tourism pursuant to Articles 50 through 52

of the Act shall submit an application for approval for the exploitation of work to the Minister of Culture, Sports and Tourism as stipulated by Ordinance of the Ministry of Culture, Sports and Tourism. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

Article 20 (Submission, etc. of Opinion)

(1) When the Minister of Culture, Sports and Tourism receives an application for approval pursuant to Article 19, he/she shall take the following measures: *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

1. That he/she shall notify the content of application in the Official Gazette for a period of 15 days in the case of an application for the approval of exploitation of a work of which the holder of author's property right pursuant to Article 50 of the Act is unknown;
2. That he/she shall specify a period from 7 days to 30 days and shall give an opportunity to submit an opinion to the relevant holder of author's property right or his/her agent in the case of an application for approval of broadcast or music record production pursuant to Article 51 or 52 of the Act.

(2) When an opportunity to submit an opinion is to be allowed pursuant to paragraph (1) 2, the holder of the relevant author's property right or the agent thereof shall be notified in writing no later than 7 days in advance, which states that the opportunity to submit an opinion shall be deemed abandoned where an opinion is not submitted within the period of time.

(3) The holder of author's property right who intends to raise an objection pursuant to the proviso of Article 50 (3) of the Act shall submit an application for objection attached with the following materials to the Minister of Culture, Sports and Tourism: *<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>*

1. Copy of the certificate of registration of copyright, etc. indicating himself as the holder of rights to the work, or data corresponding thereto;
2. Copy of works, etc. indicating his/her name or title (hereinafter referred to as the "name, etc."), or

stage name, pen name, abbreviated name, etc. (hereinafter referred to as the "second name")

by which he/she is well known, or data corresponding thereto.

Article 21 (Notification, etc. of Approval)

(1) Where the Minister of Culture, Sports and Tourism gives approval pursuant to the provisions of Articles 50 through 52 of the Act, he/she shall notify the applicant and the holder of the relevant author's property right of the content. In this case, he/she shall announce it in the Official Gazette where the holder of the relevant author's property right or his/her residence is unknown. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

(2) Where the Minister of Culture, Sports and Tourism has given approval pursuant to Article 50 (1) of the Act, he/she shall post the following details on the Internet homepage of the Ministry of Culture, Sports and Tourism and of the Commission for one month or longer pursuant to Article 50 (4) of the Act: *<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>*

1. Title and date of publication of the work;
2. Name of the author or the holder of author's property right;
3. Name of the person who obtained the approval of exploitation;
4. Conditions for approval of exploitation of the work (the period permitted for exploitation and compensation money);
5. Method and type of exploitation of the work.

Article 22 (Rejection of Application for Approval)

(1) Where an application for approval of the exploitation, etc. of a work pursuant to Article 19 falls under any of the following subparagraphs, the Minister of Culture, Sports and Tourism shall turn it down: *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

1. Where it does not meet the requirements for an application for the exploitation of a work pursuant to Articles 50 through 52 of the Act;

2. Where the holder of author's property right or his/her residence has been identified, or an agreement has been reached before an approval for the exploitation of a work has been given;
3. Where the holder of author's property right withdraws all the reproductions of a work so that they may not be offered for publication or other exploitation;
4. Where the objective is deemed attainable even without the relevant work or there is an inevitable reason for which the holder of author's property right is unable to allow the exploitation of the work.

(2) If the Minister of Culture, Sports and Tourism has rejected the application for exploitation of a work under the provisions of paragraph (1), he/she shall notify the applicant as well as the holder of author's property right of the facts by specifying reasons: Provided, That when the holder of authors' property right or his/her residence cannot be identified, he/she shall notify the applicant only.

<Amended by Presidential Decree No. 20676, Feb. 29, 2008>

Article 23 (Deposition of Compensation Money)

(1) In the following cases, compensation money may be deposited pursuant to the provisions of Articles 50 through 52 of the Act:

1. Where the holder of author's property right or his/her residence cannot be identified;
2. Where the holder of author's property right has refused to receive the compensation money or has been unable to accept it;
3. Where the right of pledge is established on the right of the holder of author's property right (excluding the case where the holder of author's property right has obtained consent of the pledgee).

(2) The deposition of compensation money under paragraph (1) shall be made, if the domicile of the holder of author's property right is in the Republic of Korea, at the depository in the jurisdiction of his/her domicile, and in other cases, at the depository in the jurisdiction of the domicile of the person who deposits compensation money.

(3) Any person who has deposited the compensation money under paragraph (1) 2 and 3, shall notify the person who is entitled to receive the deposit of the fact of deposition.

(4) Any person who has deposited the compensation money under paragraph (1) 1, shall announce the fact of deposition as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism.

<Amended by Presidential Decree No. 20676, Feb. 29, 2008>

Article 24 (Matters of Registration)

The term “matters prescribed by Presidential Decree” in Article 53 (1) 4 of the Act means the following matters:

1. In case of any derivative work, the title and author of the original work;
2. In case of the publication of a work, information pertaining to the media that have published the work;
3. Where there exist two or more obligees of registration, the matters concerning each person’s shares.

Article 25 (Principles of Application)

(1) Registration as prescribed in Articles 53 and 54 of the Act shall be made by an application or commission, except the cases as provided otherwise in this Decree.

(2) The procedures of registration by an application shall apply mutatis mutandis to the procedure of registration by commission.

Article 26 (Application for Registration)

(1) A person who intends to make registration in accordance with Articles 53 and 54 of the Act shall file an application for registration with the Minister of Culture, Sports and Tourism as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

(2) The application for registration under Article 54 of the Act shall be made, except the cases as provided for otherwise by this Decree, jointly by the obligee and obligor of registration: Provided,

That if a written consent of the obligor is attached to the application, the application may be made by the obligee alone.

- (3) The application for registration by a judgment, inheritance, and other general succession or commission may be made only by the obligee of registration.
- (4) When a copyright trust management business provider pursuant to Article 105 (1) of the Act registers a trusted work pursuant to subparagraph 1 of Article 54 of the Act, he/she may apply for registration in the capacity of a copyright trust management business provider only. *<Newly Inserted by Presidential Decree No. 21634, Jul. 22, 2009>*
- (5) Only the title holder of registration may apply for registration for change or correction of the indication of the title holder of registration. *<Amended by Presidential Decree No. 21634, Jul. 22, 2009>*

Article 27 (Statement, etc. in Copyright Register)

- (1) The following matters shall be stated in the copyright register (in the case of computer program works, referring to a register of computer program works; hereinafter the same shall apply) pursuant to Article 55 (1) of the Act: *<Amended by Presidential Decree No. 21634, Jul. 22, 2009>*
 1. Registration number;
 2. Title of work;
 3. Name of author, etc.;
 4. Date of creation, announcement and publication;
 5. Name and address of the obligee of registration;
 6. Content of registration.
- (2) The form and other necessary matters of the copyright register shall be stipulated by Ordinance of the Ministry of Culture, Sports and Tourism. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

Article 28 (Issuance, etc. of Registration Certificate)

- (1) The Minister of Culture, Sports and Tourism shall issue the registration certificate to the applicant as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism, if the application for

registration has been received and the registration has been stated on the copyright register.

<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>

- (2) Those who intend to have the registration certificate reissued due to loss, destruction or damage shall submit an application stipulated by Ordinance of the Ministry of Culture, Sports and Tourism to the Minister of Culture, Sports and Tourism. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

Article 29 (Notice of Errors, Omissions and Correction by Official Authority)

- (1) The Minister of Culture, Sports and Tourism shall, when he/she has discovered any error or omission in the matters stated in the copyright register, notify the obligee and obligor of the registration of the fact without delay. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*
- (2) If the error or omission as referred to in paragraph (1) has been caused by a fault of a public official in charge of registration, the registered matters shall be promptly corrected and the corrected contents shall be notified to the obligee and obligor of registration.
- (3) If there is a third party who is interested in the correction of the registered matters under paragraphs (1) and (2), the third party shall also be notified of the contents of such errors or omissions and of the fact of corrections according to them. *<Amended by Presidential Decree No. 21634, Jul. 22, 2009>*

Article 30 (Modification, etc. of Registered Matters)

- (1) If the obligee of registration applies for the registration of correction, modification, erasure or recovery of erased registration with respect to the matters registered under Article 27, he/she shall submit to the Minister of Culture, Sports and Tourism an application for modification of registration along with documents which substantiate such modification as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>*
- (2) When the Minister of Culture, Sports and Tourism has received an application pursuant to paragraph (1), he/she shall make an entry of the contents in the copyright register, and where he/she has made registration for recovery of the registration modified, corrected or cancelled, he/she shall issue

a new registration certificate to an applicant, and where he/she has cancelled registration, he/she shall notify an applicant of the fact. *<Newly Inserted by Presidential Decree No. 21634, Jul. 22, 2009>*

Article 31 (Ex Officio Cancellation of Registration)

- (1) The Minister of Culture, Sports and Tourism shall cancel registration where registered matters fall under any of the following circumstances: *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*
1. Where the final and conclusive judgment has proved that they were false registration;
 2. Where the final and conclusive judgment has proved that they were not the matters of registration.
- (2) Where they are cancelled pursuant to paragraph (1) 2, the fact of cancellation shall be notified to the obligee of registration, obligor of registration and third party with interests.

Article 32 (Method to Return Application)

Where the Minister of Culture, Sports and Tourism intends to return an application for registration pursuant to Article 55 (2) of the Act, he/she shall prepare a document specifying the reasons therefor and give notice thereof to the applicant. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

Article 33 (Publication, etc. of Registration Gazette)

- (1) The Minister of Culture, Sports and Tourism shall publish a registration gazette not less than once every two months or post the content of registration gazette on the Internet homepage of the Ministry of Culture, Sports and Tourism pursuant to the provisions of Article 55 (3) of the Act. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>*
- (2) Matters in the subparagraphs of Article 27 (1) shall be stated in the registration gazette under paragraph (1).

Article 34 (Perusal, etc of Register)

Any person who intends to peruse the register or to have a copy of the register issued in accordance with the provisions of Article 55 (3) of the Act shall file an application with the Minister of

Culture, Sports and Tourism as stipulated by Ordinance of the Ministry of Culture, Sports and Tourism. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

Article 35 (Registration by Electronic Data Processing System)

The registration and related affairs under Articles 24 through 34 may be conducted by electronic data processing system. *<Amended by Presidential Decree No. 21634, Jul. 22, 2009>*

Article 36 (Designation, etc. of Authentication Organization)

(1) The organizations that may be designated as authentication organization pursuant to Article 56 (1) of the Act shall be as follows: *<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>*

1. The Commission;
2. Copyright trust management business provider;
3. Other juristic persons or organizations that the Minister of Culture, Sports and Tourism recognizes as being able to execute the duties of authentication.

(2) Those who intend to be designated as authentication organization pursuant to paragraph (1) shall meet the following qualifications:

1. That they shall have the ability to compensate for the damage inflicted on the users in connection with the execution of authentication duties;
2. That they shall be equipped with facilities for the management of user registration information and the formation and issue of authentication certificate;
3. That they shall be equipped with protection installations for the safe operation of facilities and equipments regarding the duties of authentication.

(3) Those who intend to be designated as authentication organization shall submit an application for the designation of authentication organization prescribed by Ordinance of the Ministry of Culture, Sports and Tourism attached with the documents proving that they meet the requirements in the subparagraphs of paragraph (2) and the regulations on the authentication duties including the

following matters to the Minister of Culture, Sports and Tourism: *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

1. Type of authentication;
 2. Standards for authentication;
 3. Method and procedure of executing authentication duties;
 4. Conditions for using authentication service.
- (4) Where the Minister of Culture, Sports and Tourism has designated an authentication organization, he/she shall issue a certificate of authentication organization as stipulated by Ordinance of the Ministry of Culture, Sports and Tourism. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*
- (5) When the authentication organization designated pursuant to paragraph (4) intends to alter the content of the regulations on authentication duties, it shall obtain designation of alteration.
- (6) When an authentication organization falls under any of the following circumstances, the Minister of Culture, Sports and Tourism may revoke the designation: *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*
1. Where it fails to satisfy the qualifications in paragraphs (1) and (2);
 2. Where it has conducted the duties of authentication in violation of the regulations on authentication duties;
 3. Where it has not conducted the duties of authentication for one year or more without justifiable reasons.
- (7) Where the Minister of Culture, Sports and Tourism has designated an authentication organization or has revoked the designation, he/she shall announce it in the Official Gazette. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

Article 37 (Procedures, etc. of Authentication)

- (1) A person who intends to obtain authentication pursuant to Article 56 of the Act shall submit an application for authentication stipulated by Ordinance of the Ministry of Culture, Sports and Tourism

to the authentication organization that has been announced pursuant to Article 36 (7). *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

(2) Where the person who has applied for authentication pursuant to paragraph (1) is recognized as the lawful owner of right (including the case where he/she has been permitted to exploit the work, etc. by the lawful owner of right), the authentication organization shall authenticate him/her.

(3) When the authentication organization gives authentication pursuant to paragraph (2), it shall issue a certificate of authentication stipulated by Ordinance of the Ministry of Culture, Sports and Tourism.

<Amended by Presidential Decree No. 20676, Feb. 29, 2008>

(4) The person to whom a certificate of authentication has been issued pursuant to paragraph (3) may indicate authentication showing the extent of authentication, term of validity, etc. on the work.

(5) Except for those prescribed in paragraphs (1) through (4), the procedures and standards for authentication, indication of authentication, and other detailed matters necessary for the authentication duties shall be laid down and announced by the Minister of Culture, Sports and

Tourism. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

Article 38 (Mark of Holder of Right of Reproduction)

Matters to be put in the mark of holder of right of reproduction pursuant to Article 58 (3) of the Act shall be as follows: Provided, That in the case of newspapers registered pursuant to Article 9 (1) of the Act on the Promotion of Newspapers, etc. and periodicals registered or reported pursuant to Article 15 or 16 of the Act on Promotion of Periodicals, Including Magazines, the mark of holder of right of reproduction shall not be put: *<Amended by Presidential Decree No. 21148, Dec. 3, 2008; Presidential Decree No. 22003, Jan. 27, 2010>*

1. If the object of reproduction is a foreigner's work, the indication of the name of the holder of the right of reproduction and the first year of its publication;
2. If the object of reproduction is a work of a national of the Republic of Korea, the indication as referred to in subparagraph 1 and the approval seal of the holder of the right of reproduction;

3. If the right of reproduction has been transferred by assignment to the holder of the right of publication, the indication to such effect.

Article 39 (Period of Consultation on Compensation Money for Digital Audio Transmission to Performer)

The term “period prescribed by Presidential Decree” in Article 76 (3) of the Act means the period from January 1 through June 30 each year.

Article 39-2 (Deposit Institution)

The term “person prescribed by Presidential Decree” in Article 101-7 (1) of the Act means the Commission.

[This Article Newly Inserted by Presidential Decree No. 21634, Jul. 22, 2009]

Article 39-3 (Standard Technical Measures)

The term “conditions prescribed by Presidential Decree” in Article 102 (1) 1 (d) of the Act means the following conditions:

1. Measures shall be determined openly and voluntarily by agreement between the copyright holder and the online service provider;
2. Reasonable and nondiscriminatory use shall be possible;
3. Measures shall not impose substantial expenses upon the online service provider or put a substantial burden on the system or information communications network of the online service provider in connection with the provision of the online services.

[This Article Newly Inserted by Presidential Decree No. 23338, Dec. 2, 2011]

Article 40 (Request for Suspension of Reproduction or Forwarding)

(1) A person who intends to request the suspension of reproduction or forwarding to an online service provider (excluding online service providers under Article 102 (1) 1 of the Act; hereafter the same shall apply in this Article and Articles 41 through 44) pursuant to Article 103 (1) of the Act (hereinafter referred to as “claimant to right”) shall submit a request (including a request in electronic document)

stipulated by Ordinance of the Ministry of Culture, Sports and Tourism attached with verifying documents (including an electronic document) falling under any of the following subparagraphs to the online service provider: Provided, That if the claimant to right is a copyright trust management business provider or it is true that he/she has already submitted documents verifying that he/she was the holder of right regarding repetitive violations during the last one year, he/she may submit a request only:

1. Copy of the certificate of registration of copyright, etc. indicating himself as the holder of rights to the works, etc., or data corresponding thereto;
2. Copy of a work, etc. indicating his/her name, etc., or second name by which he/she is well known or a data corresponding thereto.

(2) If a claimant to right submits a written statement that he/she shall compensate for losses pursuant to Article 103 (6) of the Act, if he/she demands the suspension of reproduction or forwarding without a legitimate right, and he/she shall be punished under Article 137 (1) 6 of the Act, if he/she interferes with business activities of the online service provider by intentionally demanding the suspension of reproduction or forwarding, being aware that he/she has no legitimate right, along with a written request required by paragraph (1), the submission of verifying documents (including electronic documents) specified in any subparagraph of paragraph (1) may be omitted. In such cases, a legitimate ground shall exist to prove that it is impracticable to submit verifying documents (including electronic documents) specified in any subparagraph of paragraph (1).

[This Article Wholly Amended by Presidential Decree No. 23338, Dec. 2, 2011]

Article 41 (Notification of Suspension of Reproduction or Forwarding)

- (1) An online service provider who has suspended the reproduction or forwarding of works, etc. pursuant to Article 103 (2) of the Act shall notify the claimant to right, reproducer and forwarder (in cases of reproducers and forwarders, limited to online service providers under Article 102 (1) 3 and 4 of the Act) with a notification sheet (including a notification sheet in electronic document)

stipulated by Ordinance of the Ministry of Culture, Sports and Tourism attached with a request for the suspension of reproduction or forwarding that the claimant to right has submitted (limited to the reproducer or forwarder, and including an electronic document) within three days from the date when the reproduction or forwarding has been suspended. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 23001, Jun. 30, 2011>*

(2) Where any on-line service provider makes a notification under paragraph (1), the provider shall inform the reproducer or transmitter that he/she is entitled to request for resumption of reproduction or transmission by vindicating that his/her reproduction or transmission is based upon the legitimate right.

Article 42 (Request for Resumption of Reproduction or Forwarding)

(1) Any reproducer or forwarder who intends to request for the resumption of reproduction or forwarding pursuant to the body of Article 103 (3) of the Act shall submit a written request for resumption (including a written request in electronic document) stipulated by Ordinance of the Ministry of Culture, Sports and Tourism attached with the following materials (including an electronic document) to the on-line service provider within 30 days from the date when the suspension of reproduction or forwarding has been notified:

1. Copy of the certificate of registration of copyright, etc. indicating himself/herself as the holder of rights to the works, etc., or materials corresponding thereto;
2. Copy of a work, etc. indicating his/her name, etc., or second name by which he/she is well known or materials corresponding thereto;
3. Copy of the contract attesting the fact that he/she has lawfully obtained permit for reproduction or forwarding from the holder of copyright, etc., or materials corresponding thereto;
4. Where the protection period of author's property right to work, etc. has expired, data by which it is possible to verify such fact.

(2) If a claimant to right who demands the resumption of reproduction or forwarding submits a written

statement that he/she shall compensate for losses pursuant to Article 103 (6) of the Act, if he/she demands the resumption of reproduction or forwarding without a legitimate right, and he/she shall be punished under Article 137 (1) 6 of the Act, if he/she interferes with business activities of the online service provider by intentionally demanding the resumption of reproduction or forwarding, being aware that he/she has no legitimate right, along with a written request for resumption required by paragraph (1), the submission of verifying documents (including electronic documents) specified in any subparagraph of paragraph (1) may be omitted. In such cases, a legitimate ground shall exist to prove that it is impracticable to submit verifying documents (including electronic documents) specified in any subparagraph of paragraph (1).

[This Article Wholly Amended by Presidential Decree No. 23338, Dec. 2, 2011]

Article 43 (Notification, etc. of Resumption of Reproduction or Forwarding)

(1) The online service provider who has been requested for the resumption of reproduction or forwarding pursuant to Article 42 shall decide on whether the reproduction or forwarding by the reproducer or forwarder is based on the legitimate right within three days from receipt of a request for the resumption of reproduction or forwarding, and he/she shall send to the claimant to right a notification sheet (including a notification sheet in electronic document) stipulated by Ordinance of the Ministry of Culture, Sports and Tourism specifying the expected date of resumption of reproduction or forwarding if the request is recognized as based on the legitimate right. *<Amended by*

Presidential Decree No. 20676, Feb. 29, 2008>

(2) The expected date of resumption under paragraph (1) shall be a day belonging to the period between the 7th day and 14th day from receipt of a request for the resumption of reproduction or forwarding.

Article 44 (Designation of Recipient and Public Notification of Change)

When an online service provider has designated a recipient (including the case of designating the recipient after changing the already designated recipient) pursuant to Article 103 (4) of the Act,

he/she shall indicate the following information regarding the recipient on his/her information and communications network which provides the services of reproduction or forwarding so that everyone can understand easily:

1. The name and department name whereto he/she belongs;
2. The telephone number, facsimile number and e-mail address;
3. The address capable of receiving the postal matters.

Article 44-2 (Scope of Information that may be Requested about Persons who Reproduced or Forwarded Copyrighted Works)

The minimum necessary information referred to in Article 103-3 (1) of the Act is the information specified in the following subparagraphs:

1. Name;
2. Address;
3. Contact information of the person who reproduced or forwarded a copyrighted work, such as telephone numbers and an e-mail address.

[This Article Newly Inserted by Presidential Decree No. 23338, Dec. 2, 2011]

Article 44-3 (Procedure for Requesting to Provide Information)

A claimant to right who intends to request the Minister of Culture, Sports and Tourism pursuant to Article 103-3 (1) of the Act to issue an order to provide him/her with information about a person who reproduced or forwarded a copyrighted work (hereinafter referred to as "petitioner") "shall submit to the Minister of Culture, Sports and Tourism verifying documents (including electronic documents) specified in any subparagraph of Article 40 (1), along with a written request for providing information in the form prescribed by Ordinance of the Ministry of Culture, Sports and Tourism with the following descriptions stated thereon:

1. The petitioner's name, address, and contact information, such as telephone numbers and an e-mail address;

2. The category and purpose of the lawsuit that the petitioner intends to file;
3. The type of the right allegedly violated by the person who reproduced or forwarded the relevant copyrighted work and facts relevant to the violation;
4. The fact that the petitioner had requested the online service provider to provide information about the person who had reproduced or forwarded the relevant copyrighted work but received a reply refusing to providing such information or the online service provider refused to provide such information in any other manner.

[This Article Newly Inserted by Presidential Decree No. 23338, Dec. 2, 2011]

Article 44-4 (Procedure for Providing Information)

(1) Upon receipt of a request for deliberation from the Minister of Culture, Sports and Tourism pursuant to Article 103-3 (2) of the Act, the Commission shall deliberate on whether to provide information and shall notify the Minister of Culture, Sports and Tourism of results thereof without delay within one month from the date on which it receives such request: Provided, That the period specified above may be extended only once, if it is unable to complete deliberation within the period due to a cause or event beyond its control.

(2) When the Minister of Culture, Sports and Tourism intends to order an online service provider pursuant to Article 103-3 (2) of the Act to submit information about a person who reproduced or forwarded a copyrighted work, he/she shall prepare a written order to provide information in the form specified by Ordinance of the Minister of Culture, Sports and Tourism and shall notify the online service provider thereof in writing (including an electronic document).

(3) An online service provider shall submit a statement of provided information in the form specified by Ordinance of the Minister of Culture, Sports and Tourism within seven days from the date on which he/she receives an order to provide information under paragraph (2), and the Minister of Culture, Sports and Tourism shall provide the petitioner with the relevant information without delay.

(4) When an online service provider submits a statement of provided information to the Minister of

Culture, Sports and Tourism pursuant to paragraph (3), he/she shall notify the person who reproduced or forwarded the relevant copyrighted work of the fact without delay.

[This Article Newly Inserted by Presidential Decree No. 23338, Dec. 2, 2011]

Article 45 (Request of Holder of Right)

When a holder of right intends to request for the necessary measures, such as technical measures that cut off illegal forwarding of relevant work, etc. pursuant to Article 104 (1) of the Act, he/she shall submit a request (including a request in electronic document) stipulated by Ordinance of the Ministry of Culture, Sports and Tourism attached with the following materials (including an electronic document) to the online service provider of special type: Provided, That if the holder of right is the copyright trust management business provider, or it is true that he/she has already submitted materials verifying that he/she was the holder of right regarding repetitive violations during the last one year, he/she may not submit the materials in subparagraph 1: *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

1. Materials falling under any of the following items by which he/she can vindicate that he/she is the holder of right:
 - (a) Copy of the certificate of registration of copyright, etc. in which he/she is indicated as the holder of right to the work, etc. or materials corresponding thereto;
 - (b) Copy of the work, etc. in which his/her name, etc. or renowned second name is indicated, or materials corresponding thereto;
2. Title of work by which it is possible to identify the work, etc. that have been requested to cut off, characters or signs corresponding thereto (hereinafter referred to as the "title, etc.") or materials of reproductions, etc.

Article 46 (Necessary Measures, such as Technical Measures to Cut Off Illegal Forwarding)

- (1) The term "necessary measures, such as technical measures that cut off illegal forwarding of the relevant work, etc." in the former part of Article 104 (1) of the Act means all the following measures:

<Amended by Presidential Decree No. 21634, Jul. 22, 2009>

1. Technical measures capable of identifying the work, etc. by comparing the title, etc. and characteristics of work, etc.;
 2. Measures of limiting search or transmission to cut off illegal forwarding of work, etc. that came to be recognized pursuant to subparagraph 1;
 3. Where the illegal forwarder of the relevant work, etc. is identifiable, the dispatch of warning sign wording to the forwarder of the work, etc. requesting for the prohibition of infringement on the copyright.
- (2) When the holder of right requests, the measures listed in paragraph (1) 1 and 2 shall be taken immediately.

Article 46-2 (Exception for Prohibition of Incapacitation of Technical Protection Measures)

Where determining and notifying the exceptions for the prohibition of incapacitation of technical protection measures pursuant to Article 104-2 (1) 8 of the Act, the Minister of Culture, Sports and Tourism shall first hear the opinions from interested parties, including users of works, etc., and undergo deliberation by the Commission.

[This Article Newly Inserted by Presidential Decree No. 23001, Jun. 30, 2011]

Article 47 (Application, etc. for Permission for Copyright Trust Management Business)

- (1) A person who intends to obtain permission for copyright trust management business pursuant to the provisions of Article 105 (1) and (2) of the Act shall submit an application (including an application in electronic document) for permission for copyright trust management business stipulated by Ordinance of the Ministry of Culture, Sports and Tourism attached with the regulations (including an electronic document) on the duties of copyright trust management business that involve the following matters to the Minister of Culture, Sports and Tourism: *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

1. Clause of copyright trust agreement;

2. Clause of work exploitation agreement.

- (2) When the Minister of Culture, Sports and Tourism grants a permit to engage in a copyright trust management business, he/she shall issue a certificate of permit for copyright trust management business stipulated by Ordinance of the Ministry of Culture, Sports and Tourism. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*
- (3) When the person who has obtained the permit pursuant to paragraph (2) intends to alter the regulations on the duties of copyright trust management business pursuant to paragraph (1), he/she shall obtain the permit for alteration.

Article 48 (Report of Copyright Agency and Brokerage Business)

- (1) A person who intends to report copyright agency and brokerage business pursuant to Article 105 (1) of the Act shall submit a report (including a report in electronic document) of copyright agency and brokerage business stipulated by Ordinance of the Ministry of Culture, Sports and Tourism attached with the regulations (including an electronic document) on the duties of copyright agency and brokerage business that involve the following matters to the Minister of Culture, Sports and Tourism:
<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>
1. Clause of agreement of copyright agency and brokerage;
 2. Clause of work exploitation agreement.
- (2) The Minister of Culture, Sports and Tourism upon receipt of a report pursuant to paragraph (1) shall issue a certificate of report of copyright agency and brokerage business stipulated by Ordinance of the Ministry of Culture, Sports and Tourism. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*
- (3) If a person who has reported pursuant to paragraph (1) intends to alter the reported matters, he/she shall submit a report of alteration of copyright agency and brokerage business as stipulated by Ordinance of the Ministry of Culture, Sports and Tourism. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

Article 49 (Application for Approval of Usage Fee, etc. and Procedures for Approval)

- (1) Where a copyright trust management business provider intends to apply for the approval (including application for alteration; hereinafter the same shall apply) of rate or amount of fee and usage fee pursuant to Article 105 (5) of the Act, he/she shall apply for approval to the Minister of Culture, Sports and Tourism in writing. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*
- (2) When the Commission has been requested for deliberation from the Minister of Culture, Sports and Tourism pursuant to Article 105 (6) of the Act, it shall deliberate it within two months from the date of request and submit the result to the Minister of Culture, Sports and Tourism without delay: Provided, That if it is impossible to deliberate it within the relevant period due to extenuating circumstances, the period may be extended for two more times only. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>*
- (3) When the Minister of Culture, Sports and Tourism receives an application for approval for rate or amount of usage fee pursuant to Article 105 (7) of the Act, he/she shall post the content on the Internet homepage of the Ministry of Culture, Sports and Tourism not less than 14 days to collect the opinions of the interest parties. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>*
- (4) Where the Minister of Culture, Sports and Tourism has approved (including the approval of alteration) the rate or amount of usage fee, he/she shall post the content of approval on the Internet homepage of the Ministry of Culture, Sports and Tourism. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>*

Article 50 (Preparation of List of Works, etc. under Management)

The following matters shall be stated in the list of works, etc. under management pursuant to Article 106 (1) of the Act:

1. Title of works, etc.;
2. Name, etc. of author, performer, music record producer or broadcasting service provider, and database producer;

3. Year of creation or publication, year of performance or fixation, and year of production.

Article 51 (Information Needed for Contracting Exploitation Agreement)

The term “information prescribed by Presidential Decree” in Article 106 (2) of the Act means the following information:

1. List of works, etc.;
2. Period of trust agreement with the holder of author’s property right of the relevant work, etc.;
3. Conditions for exploitation, such as usage fee and standard contract.

Article 52 (Report)

(1) Pursuant to Article 108 (1) of the Act, a copyright trust management business provider shall, each year, report the business showings of the preceding year and the business program of the current year as stipulated by Ordinance of the Ministry of Culture, Sports and Tourism. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

(2) A copyright agency and brokerage business provider shall, each year, report the business showings of the preceding year as stipulated by Ordinance of the Ministry of Culture, Sports and Tourism. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

Article 53 (Standards, etc. for Calculation of Penalty Surcharge)

(1) The standards for calculation of penalty surcharge that is imposed pursuant to Article 111 (1) of the Act shall be 500,000 won per day of duty suspension in the case of order of duty suspension on the grounds of Article 109 (1) 1 or 2 of the Act, and 200,000 won per day of duty suspension in the case of order of duty suspension on the grounds of Article 109 (1) 3 or 4 of the Act.

(2) The Minister of Culture, Sports and Tourism may aggravate or commute the penalty surcharge within the extent of 1/2 of the amount of penalty surcharge pursuant to paragraph (1) in consideration of the degree of violation, frequency of violation, motive and result of violation, etc.: Provided, That the total amount of penalty surcharge shall not exceed 50 million won even if it is aggravated. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

Article 54 (Imposition and Payment of Penalty Surcharge)

- (1) When the Minister of Culture, Sports and Tourism intends to impose a penalty surcharge pursuant to Article 111 (1) of the Act, he/she shall notify the object of disposition to pay the penalty surcharge by stating the fact of violation, imposition amount, etc. in writing. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*
- (2) The person who has been notified pursuant to paragraph (1) shall pay the penalty surcharge at the receiving organization designated by the Minister of Culture, Sports and Tourism within 20 days from the date when he/she has been notified: Provided, That if he/she is unable to pay the penalty surcharge within the period due to natural calamity or other extenuating circumstances, he/she shall pay it within 7 days after the reason ceases to exist. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*
- (3) The receiving organization that has received the penalty surcharge pursuant to paragraph (2) shall issue a receipt to the payer.
- (4) When the receiving organization has received a penalty surcharge pursuant to paragraph (2), it shall notify the fact to the Minister of Culture, Sports and Tourism without delay. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*
- (5) The Minister of Culture, Sports and Tourism shall record and manage the matters regarding the imposition and collection of penalty surcharge. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

Article 55 (Procedures for Use of Penalty Surcharge)

Pursuant to Article 111 (4) of the Act, the Minister of Culture, Sports and Tourism shall formulate and execute an operational plan for the use, method, etc. of penalty surcharge by October 31 of each year. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

Article 56 (Chairperson and Vice Chairperson)

- (1) The chairperson of the Commission shall represent the Commission and exercise overall control

over the duties of the Commission. *<Amended by Presidential Decree No. 21634, Jul. 22, 2009>*

- (2) The vice chairperson shall assist the chairperson, and the vice chairperson designated in advance by the chairperson shall execute the duties by proxy when the chairperson is unable to perform the duties due to extenuating circumstances.

Article 57 (Convocation of Meeting and Quorum)

- (1) The chairperson of the Commission shall convene the meeting of the Commission and preside over it. *<Amended by Presidential Decree No. 21634, Jul. 22, 2009>*
- (2) The meeting of the Commission shall convene its meeting with the attendance of majority of members on the register, and decisions shall be made with the consent of two-thirds or more of the members present. *<Amended by Presidential Decree No. 21634, Jul. 22, 2009>*
- (3) Deleted. *<by Presidential Decree No. 23928, Jul. 4, 2012>*

Article 57-2 (Exclusion, Challenge, and Evasion of Commission Members)

(1) If a member of the Commission falls under any of the following subparagraphs, he/she shall be excluded from deliberation, mediation, arrangement, and resolution of the Commission (hereinafter referred to as "deliberation and other proceedings"):

1. If a member or a person who is or was his/her spouse becomes a party to the case at issue (including executives, if the party is a legal entity or organization; the same shall apply hereafter in this subparagraph and subparagraph 2) or is a joint right holder or joint obligor with a party to the case at issue;
2. If a member is or was a relative to a party to the case at issue;
3. If a member gave testimony, made a statement, provided advice, conducted research, or served as expert witness with respect to the case at issue;
4. If a member or the legal entity or organization to which a member belongs is or was the representative of a party to the case at issue;

5. If a member serves or served as executive or employee of a party to the case at issue;
 6. If a member is or was involved in an action or inaction that is a cause of the case at issue.
- (2) If a party to the case at issue has a ground to believe that he/she can hardly expect impartiality from a member in deliberation and other proceedings, the party may file a challenge against the member with the Commission, and the Commission may make a decision thereon by resolution. In such cases, the member against whom a challenge is filed shall not participate in resolution.
- (3) If a member finds that he/she is subject to exclusion on the ground specified in any subparagraph of paragraph (1), the member shall voluntarily evade deliberation and other proceedings with respect to the case at issue.

[This Article Newly Inserted by Presidential Decree No. 23928, Jul. 4, 2012]

Article 57-3 (Dismissal of Members)

- (1) The Minister of Culture, Sports and Tourism may dismiss a member from service, if the member falls under any of the following subparagraphs:
1. If a member is unable to perform his/her duty due to a mental or physical disorder;
 2. If a member is found incompetent on the ground of his/her neglect of duty, demeaning conduct, or on any other ground;
 3. If a member is subject to exclusion on the ground specified in any subparagraph of Article 57-2 but does not voluntarily evade deliberation and other proceedings.

[This Article Newly Inserted by Presidential Decree No. 23928, Jul. 4, 2012]

Article 58 (Treatment of Members, etc.)

- (1) The members of the Commission except the chairperson shall serve on a part-time basis. *<Amended by Presidential Decree No. 21634, Jul. 22, 2009>*
- (2) Remuneration shall be paid to the standing member and the non-standing members may be paid expenses actually incurred to perform their duties within budgetary limits.
- (3) No standing member may engage in any profit-making activity other than his/her duty, and may

serve concurrently in any other position without approval of the Minister of Culture, Sports and Tourism. <Amended by Presidential Decree No. 20676, Feb. 29, 2008>

Article 59 (Formation and Operation of Subcommittees)

Matters necessary for the formation, operation, etc. of subcommittees pursuant to Article 112-2 (5) of the Act shall be determined by the chairperson of the Commission through a resolution of the Commission.

[This Article Wholly Amended by Presidential Decree No. 21634, Jul. 22, 2009]

Article 59-2 (Mediation)

(1) Any person who intends to receive mediation on a dispute pursuant to Article 113-2 of the Act shall file an application for mediation in which the following matters are stated with the Commission:

1. Names and domiciles of the persons concerned (where there is an agent, including the name and domicile of the agent);
2. The purport and reason of application.

(2) Matters necessary for detailed procedures, etc. for mediation pursuant to paragraph (1) shall be determined by the chairperson of the Commission through a resolution of the Commission.

[This Article Newly Inserted by Presidential Decree No. 21634, Jul. 22, 2009]

Article 60 (Formation and Operation of Conciliation Division)

The conciliation division pursuant to Article 114 of the Act shall consist of three members: Provided, That for the cases of request for conciliation of which the amount is five million won or less, one member designated by the chairperson of the Commission may execute the conciliation duty.

<Amended by Presidential Decree No. 21634, Jul. 22, 2009>

Article 61 (Procedure, etc. of Conciliation)

(1) Any person who intends to apply for dispute conciliation pursuant to Article 114-2 of the Act shall submit an application for conciliation to the Commission as determined by the Commission.

<Amended by Presidential Decree No. 21634, Jul. 22, 2009>

- (2) Any person who makes an application for conciliation pursuant to paragraph (1) shall pay a part of expenses for conciliation in advance, and where conciliation is effected, each party shall pay the remaining expenses for conciliation. In such cases, procedures for payment of expenses for conciliation shall be determined by the chairperson of the Commission through a resolution of the Commission. *<Newly Inserted by Presidential Decree No. 21634, Jul. 22, 2009>*
- (3) The chairperson, on receipt of the application for conciliation under paragraph (1), shall designate a conciliation division and refer the application for conciliation to it. *<Amended by Presidential Decree No. 21634, Jul. 22, 2009>*
- (4) The conciliation division may prepare a proposal of conciliation, and present it to the person concerned: Provided, That where it is evident that conciliation will not be effected, this shall not apply. *<Amended by Presidential Decree No. 21634, Jul. 22, 2009>*
- (5) The conciliation division shall conciliate within three months from the date of application for conciliation: Provided, That if a special ground exists, the period may be extended one more time only within the extent of one month with approval of both parties.
- (6) Where an appraisal is made pursuant to Article 119 (1) 2 of the Act, a period for appraisal shall not be included in the period for conciliation referred to in paragraph (5). *<Newly Inserted by Presidential Decree No. 21634, Jul. 22, 2009>*

Article 62 (Request, etc. for Attendance)

- (1) The Commission may request the parties concerned, proxies thereof or interested persons to attend the meeting or to submit relevant documents if necessary for the conciliation of disputes. *<Amended by Presidential Decree No. 21634, Jul. 22, 2009>*
- (2) When requesting for the attendance pursuant to paragraph (1), it shall notify the parties concerned, proxies thereof, or interested persons in writing not later than seven days in advance.
- (3) When persons other than the parties to conciliation attend the Commission in answer to the request for attendance, the Commission may pay actual expenses, such as allowance and travel expense.

<Amended by Presidential Decree No. 21634, Jul. 22, 2009>

(4) The Commission shall manage and keep the documents of reconciliation and related records.

<Amended by Presidential Decree No. 21634, Jul. 22, 2009>

Article 63 (Miscarriage, etc. of Conciliation)

(1) In any of the following cases, the conciliation shall be deemed to have fallen through: *<Amended by Presidential Decree No. 21634, Jul. 22, 2009>*

1. Where the parties concerned have not answered the request for attendance pursuant to Article 62 without justifiable reasons;
2. Where it has passed the period of time pursuant to Article 61 (5) from the date when an application for conciliation was filed;
3. Where an agreement between the parties concerned has not been reached.

(2) Where the conciliation has fallen through pursuant to paragraph (1), the reason thereof shall be stated in the document.

Article 64 (Procedure, Method, etc. of Appraisal)

(1) Those who intend to request for appraisal pursuant to Article 119 (1) of the Act shall submit the following materials to the Commission: *<Amended by Presidential Decree No. 21634, Jul. 22, 2009>*

1. The original or copy of a work subject to appraisal;
2. Materials by which it is able to compare the similarity of related works in the case of a request for appraisal on infringement;
3. Other materials that the Commission requests as it judges necessary for appraisal.

(2) When giving an appraisal, the Commission shall organize an expert appraisal committee to deal with the duties with impartiality and objectivity. *<Amended by Presidential Decree No. 21634, Jul. 22, 2009>*

(3) The expert appraisal committee may have standing specialized members for professional appraisal.

(4) Matters necessary for the formation of expert appraisal committee, procedure of appraisal, etc. shall be laid down by the Commission. *<Amended by Presidential Decree No. 21634, Jul. 22, 2009>*

Article 65 (Organization, Operation, etc. of Commission)

Matters necessary for the organization, operation, etc. of the Commission shall be determined by the chairperson of the Commission through a resolution of the Commission: Provided, That matters concerning the organization, full strength and remuneration shall be approved by the Minister of Culture, Sports and Tourism.

[This Article Wholly Amended by Presidential Decree No. 21634, Jul. 22, 2009]

Article 66 (Organization, Operation, etc. of Copyright Information Center)

(1) The copyright information center pursuant to Article 120 of the Act may establish a copyright exchange to provide copyright information, etc. and a technical committee for rights management information, protection of copyright and support for distribution.

(2) The copyright information center shall perform the following duties:

1. Construction and operation of the integrated management system for the systematic formulation, management and utilization of rights management information of works;
2. Development, management and dissemination of the integrated copyright number system by which works and rightful claimants may be discerned;
3. Research for the standardization of technical protection measures;
4. Evaluation of the implementation of standards for technical protection measures and development of standard means of evaluation for them;
5. Survey and research on copyright information technologies.

[This Article Wholly Amended by Presidential Decree No. 21634, Jul. 22, 2009]

Article 67 (Budget, Settlement of Accounts, etc.)

(1) The Commission shall prepare the programs of business and draft budget of the following business year before the expiry of each business year, and submit them to the Minister of Culture, Sports and Tourism for approval. <Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>

- (2) The Commission shall prepare each business year a performance record and a statement of accounts and submit them to the Minister of Culture, Sports and Tourism within sixty days after the expiry of the current business year. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>*
- (3) The Minister of Culture, Sports and Tourism may have the Commission report on its duties or submit relevant materials to him/her, if deemed necessary. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>*

Article 68 (Entrustment of Duties)

- (1) Pursuant to Article 130 of the Act, the Minister of Culture, Sports and Tourism shall entrust the following duties to the Commission: *<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>*
1. Approval for exploitation of works and decision on the standards for compensation money pursuant to the provisions of Articles 50 through 52 of the Act;
 2. Registration (including the case applied mutatis mutandis in Articles 63 (3), 90, 98 and 101-6 (6) of the Act, however, excluding the cases of duties of receiving registration pursuant to paragraph (2)) of copyright pursuant to Article 55 of the Act.
- (2) Pursuant to Article 130 of the Act, the Minister of Culture, Sports and Tourism shall entrust the duties (including the case applied mutatis mutandis in Articles 63 (3), 90, 98 and 101-6 (6) of the Act) of receiving applications for registration of copyright pursuant to Article 55 of the Act to the Commission and the copyright trust management business provider designated and announced by the Minister of Culture, Sports and Tourism. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>*
- (3) Pursuant to Article 130 of the Act, the Minister of Culture, Sports and Tourism shall entrust the duties of receiving donations of rights of the holder of author's property right, etc. pursuant to Article 135 (1) of the Act to the organization designated pursuant to paragraph (2) of the same Article.

<Amended by Presidential Decree No. 20676, Feb. 29, 2008>

Article 69 (Procedures for and Methods of Collection, Scrapping and Deletion)

- (1) The competent public official who collects, scraps or deletes reproductions, etc. pursuant to Article 133 (1) of the Act shall carry a certificate indicating the authority and show it to the interested persons. *<Amended by Presidential Decree No. 21634, Jul. 22, 2009>*
- (2) Where the competent public official has collected, scrapped and deleted reproductions, etc. pursuant to Article 133 (1) of the Act, he/she shall deliver a certificate of collection as stipulated by Ordinance of the Ministry of Culture, Sports and Tourism to the possessor or occupier, and state the content in the book of collection, scrapping and deletion. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>*
- (3) The illegal reproductions, etc. that have been collected may be scrapped when three months have passed since the date of collection, if the relevant party does not raise any objection: Provided, That the instrument, equipment and program that have been manufactured to incapacitate the technical protection measures of works, etc. may be scrapped when six months have passed since the date of collection.

Article 70 (Entrustment, etc. of Duties of Collection, Scrapping and Deletion)

- (1) Pursuant to Article 133 (2) of the Act, the Minister of Culture, Sports and Tourism may entrust the duties of collection and scrapping to the following organizations: *<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>*
 1. The Commission;
 2. Organization whose principal members are copyright trust management business providers;
 3. Other corporations and organizations that the Minister of Culture, Sports and Tourism recognizes as having the capability and qualifications for the duties of collection, scrapping and deletion of illegal reproductions, etc.
- (2) Any staff member of the organization which conducts the duties of collection, scrapping and deletion

pursuant to paragraph (1) shall carry a certificate stipulated by Ordinance of the Ministry of Culture, Sports and Tourism when doing so, and show it to the interested persons. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>*

Article 71 (Request, etc. for Cooperation for Collection, Scrapping and Deletion)

The term “relevant organization” in Article 133 (3) of the Act means the following organizations:
<Amended by Presidential Decree No. 21634, Jul. 22, 2009>

1. Copyright trust management business provider;
2. Organization whose principal members are copyright trust management business providers;
3. Corporations and organizations that have been established for the purpose of creation of works, etc. and the promotion of industry.

Article 72 (Procedures for and Methods of Deliberation of Orders, etc. for Deletion of Illegal Reproductions through Information and Communications Network)

If the Commission receives a request for deliberation from the Minister of Culture, Sports and Tourism pursuant to Article 133-2 (1) of the Act, it shall deliberate within seven days from the date of request, and if it receives a request for deliberation from the Minister of Culture, Sports and Tourism pursuant to paragraphs (2) and (4) of the same Article, it shall deliberate within 14 days from the date of request and submit the result thereof to the Minister of Culture, Sports and Tourism without delay: Provided, That where it cannot deliberate within the period due to extenuating circumstances, it may extend the period twice only.

[This Article Wholly Amended by Presidential Decree No. 21634, Jul. 22, 2009]

Article 72-2 (Procedures for and Methods of Orders for Warning or Deletion)

If the Minister of Culture, Sports and Tourism intends to order an online service provider to give a warning on a reproducer and transmitter of illegal reproductions, etc., to delete illegal reproductions, etc., or to suspend transmission of them pursuant to Article 133-2 (1) of the Act, he/she shall prepare a written order prescribed by Ordinance of the Ministry of Culture, Sports and Tourism and

notify it in writing (including electronic documents; hereinafter the same shall apply).

[This Article Newly Inserted by Presidential Decree No. 21634, Jul. 22, 2009]

Article 72-3 (Procedures for and Methods of Orders for Suspension of Accounts)

(1) When the Commission deliberates pursuant to Article 133-2 (2) of the Act, it shall take the following matters into consideration:

1. Recidivism of the relevant reproducer and transmitter;
2. Quantities reproduced and transmitted by the relevant reproducer and transmitter;
3. Kinds of illegal reproductions, etc. posted and their possibilities of substituting market;
4. The influence of illegal reproductions, etc. on the distribution order of works, etc.

(2) If the Minister of Culture, Sports and Tourism intends to order an online service provider to suspend accounts of the relevant reproducer and transmitter of illegal reproductions or such pursuant to Article 133-2 (2) of the Act, he/she shall prepare a written order in which the following matters are stated and give written notice thereof:

1. Accounts of the reproducer and transmitter;
2. The fact that the reproducer and transmitter have received warnings pursuant to Article 133-2 (1) 1 of the Act three times or more;
3. The fact that the reproducer and transmitter has transmitted illegal reproductions, etc. after he/she received warnings pursuant to Article 133-2 (1) 1 of the Act three times or more;
4. The period of suspension.

(3) The period of suspension of accounts of the reproducer and transmitter pursuant to Article 133-2 (2) of the Act shall be as follows:

1. Less than one month in the case of the first suspension;
2. Not less than one month and less than three months in the case of the second suspension;
3. Not less than three months and less than six months in the case of the third or subsequent suspension.

(4) An online service provider who has received a written order referred to in paragraph (2) shall, without delay, notify the relevant reproducer and transmitter of matters referred to in the subparagraphs of paragraph (2) mentioned in writing pursuant to Article 133-2 (3) of the Act.

[This Article Newly Inserted by Presidential Decree No. 21634, Jul. 22, 2009]

Article 72-4 (Procedures for and Methods of Orders for Suspension of Bulletin Board Service)

(1) When the Commission deliberates pursuant to Article 133-2 (4) of the Act, it shall take the following matters into consideration:

1. Commercialism of the relevant bulletin board;
2. Effect of opening of the relevant bulletin board;
3. Functions and methods of utilization of the relevant bulletin board;
4. Number of users of the relevant bulletin board;
5. Percentage of illegal reproductions, etc.;
6. Kinds of illegal reproductions, etc. posted and their possibilities of substituting market;
7. Degree of efforts of the relevant bulletin board to shut out illegal reproductions, etc.;
8. Level of providing convenience to posting or utilization of illegal reproductions, etc.

(2) If the Minister of Culture, Sports and Tourism intends to order an online service provider to suspend services of the relevant bulletin board pursuant to Article 133-2 (4) of the Act, he/she shall prepare a written order in which the following matters are stated and give written notice thereof:

1. Bulletin boards subject to suspension;
2. The fact that he/she has received orders pursuant to Article 133-2 (1) 2 of the Act not less than three times;
3. The contents of offenses;
4. The period of suspension.

(3) The period of suspension of services of the relevant bulletin board pursuant to Article 133-2 (4) of the Act shall be as follows:

1. Less than one month in the case of the first suspension;
 2. Not less than one month and less than three months in the case of the second suspension;
 3. Not less than three months and less than six months in the case of the third or subsequent suspension.
- (4) When an online service provider posts the fact of suspension of a bulletin board pursuant to Article 133-2 (5) of the Act, he/she shall have users of the relevant bulletin board easily know the fact by mentioning matters referred to in the subparagraphs of paragraph (2).

[This Article Newly Inserted by Presidential Decree No. 21634, Jul. 22, 2009]

Article 72-5 (Procedures for and Methods of Report of Result of Measures)

An online service provider shall mention matters referred to in the following subparagraphs in a report of the result of measures prescribed by Ordinance of the Ministry of Culture, Sports and Tourism pursuant to Article 133-2 (6) of the Act and submit it to the Minister of Culture, Sports and Tourism:

1. The contents of measures taken pursuant to an order;
2. Information which can identify a reproducer and transmitter (in the case of an order pursuant to Article 133-2 (4) of the Act, it shall be excluded);
3. The date of execution of an order.

[This Article Newly Inserted by Presidential Decree No. 21634, Jul. 22, 2009]

Article 72-6 (Procedures for Recommendation of Correction)

- (1) If the Commission intends to recommend correction pursuant to Article 133-3 (1) of the Act, it shall recommend correction in writing with the following matters stated therein:
1. The contents of offenses;
 2. Matters recommended to correct;
 3. The deadline for correction;
 4. Measures to be taken when recommendation of correction is refused.
- (2) An online service provider who has been notified of recommendation of correction pursuant to

paragraph (1) shall notify the Commission of the result of measures taken in writing with the following matters stated therein:

1. The contents of measures taken pursuant to recommendation of correction;
 2. The date of execution of recommendation of correction;
 3. In the case of refusal of recommendation of correction, the reasons thereof.
- (3) When the Commission deliberates Article 133-3 (1) 3 of the Act, it shall take matters referred to in Article 72-3 (1) into consideration.

[This Article Newly Inserted by Presidential Decree No. 21634, Jul. 22, 2009]

Article 73 (Projects for Fair Use of Works)

The term “projects necessary for promotion of fair use of works” in Article 134 (1) of the Act means the following projects: *<Amended by Presidential Decree No. 21634, Jul. 22, 2009>*

1. Project necessary for the provision, etc. of information on works, etc. of which the period of protection has expired;
2. Project for the construction of a system to jointly utilize works of public agencies;
3. Project to improve the system of use permission, such as the development of standard contract;
4. Enactment of guideline for the preparation of standards for impartial exploitation of works and encouraged projects;
5. Project to activate the system of indicating permission for the exploitation of works, etc.;
6. Other projects that the Minister of Culture, Sports and Tourism recognizes as necessary for the impartial exploitation of works.

Article 74 Deleted. *<by Presidential Decree No. 21634, Jul. 22, 2009>*

Article 75 (Procedure of Donation)

- (1) A person who intends to donate author’s property right, etc. pursuant to Article 135 (1) of the Act shall submit a pledge of donation of author’s property right, etc. stipulated by Ordinance of the Ministry of Culture, Sports and Tourism and the reproduction of the work, etc. for donation to the

Minister of Culture, Sports and Tourism. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

- (2) The Minister of Culture, Sports and Tourism who has received donation pursuant to paragraph (1) shall record the title of the donated work, etc., name of donator, etc. in the management book as stipulated by Ordinance of the Ministry of Culture, Sports and Tourism and post them on the Internet homepage of the Ministry of Culture, Sports and Tourism. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>*

Article 76 (Designation, etc. of Management Organization)

- (1) The organization that may be designated as an organization that manages author's property right, etc. pursuant to Article 135 (2) of the Act (hereinafter referred to as the "management organization") shall be as follows: *<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>*

1. The Commission;
2. Copyright trust management business provider;
3. Organization whose principal members are copyright trust management business providers;
4. Other corporations or organizations that the Minister of Culture, Sports and Tourism recognizes as having the capability to conduct the duties of management of donated author's property right, etc.

- (2) A person who intends to be designated as management organization pursuant to paragraph (1) shall submit an application for designation stipulated by Ordinance of the Ministry of Culture, Sports and Tourism attached with the following documents to the Minister of Culture, Sports and Tourism: *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

1. Plan of management of donated author's property right, etc.;
2. Paper stating the procedures of exploitation permission for donated author's property right, etc. and the plan of activation.

- (3) When the Minister of Culture, Sports and Tourism who has received an application pursuant to

paragraph (2) designates a management organization, he/she shall issue a certificate of designation of management organization as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>*

(4) When a management organization falls under either of the following subparagraphs, the Minister of Culture, Sports and Tourism may revoke the designation: *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

1. Where it fails to meet the qualifications in paragraph (1);
2. Where it has violated Article 135 (3) of the Act.

(5) Where the Minister of Culture, Sports and Tourism has designated a management organization or revoked the designation, he/she shall announce the fact in the Official Gazette. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

(6) Other matters necessary for the duties of management of donated author's property right, etc. shall be stipulated and announced by the Minister of Culture, Sports and Tourism. *<Amended by Presidential Decree No. 20676, Feb. 29, 2008>*

Article 77 (Standards for Imposition of Fine for Negligence)

The standards for imposition of a fine for negligence pursuant to Article 142 (1) and (2) of the Act shall be as attached Tables 1 and 2.

[This Article Wholly Amended by Presidential Decree No. 21634, Jul. 22, 2009]

ADDENDA

Article 1 (Enforcement Date)

This Decree shall enter into force on June 29, 2007: Provided, That the amended provisions of subparagraph 1 (b) of Article 9 shall enter into force on July 1, 2008, and the amended provisions of Article 11 on January 1, 2008.

Article 2 (Applicability concerning Explanation, etc. of Claimant to Right)

The amended provisions of the proviso in the part other than the subparagraphs of Article 40 shall begin to apply to the one for which materials capable of explaining that his/her being the lawful holder of right are submitted for the first time after the enforcement of this Decree.

ADDENDA <Presidential Decree No. 20676, Feb. 29, 2008>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation.

Articles 2 through 5 Omitted.

ADDENDA <Presidential Decree No. 21148, Dec. 3, 2008>

Article 1 (Enforcement Date)

This Decree shall enter into force on December 6, 2008.

Articles 2 and 3 Omitted.

ADDENDA <Presidential Decree No. 21634, Jul. 22, 2009>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 23, 2009: Provided, That the amended provisions of Article 14 (2) shall enter into force on September 26, 2009.

Article 2 (Repeal of other Acts and Subordinate Statutes)

The Enforcement Decree of the Computer Programs Protection Act shall be repealed.

Article 3 Omitted.

Article 4 (Relation with other Acts and Subordinate Statutes)

Where the former Enforcement Decree of the Computer Programs Protection Act and the provisions thereof are cited by other Acts and subordinate statutes at the time this Decree enters into force, this Decree or the corresponding provisions of this Decree shall be deemed to have been cited.

ADDENDA <Presidential Decree No. 21676, Aug. 6, 2009>

Article 1 (Enforcement Date)

This Decree shall enter into force on August 7, 2009. (Proviso Omitted.)

Articles 2 through 5 Omitted.

ADDENDA <Presidential Decree No. 22003, Jan. 27, 2010>

Article 1 (Enforcement Date)

This Decree shall enter into force on February 1, 2010.

Articles 2 through 5 Omitted.

ADDENDUM <Presidential Decree No. 23001, Jun. 30, 2011>

This Decree shall enter into force on the date the Free Trade Agreement between the Republic of Korea, of one part, and the European Union and its Member States, of the other part, takes effect.

ADDENDUM <Presidential Decree No. 23338, Dec. 2, 2011>

This Decree shall enter into force on the date the Free Trade Agreement between the Republic of Korea and the United States of America takes effect.

ADDENDUM <Presidential Decree No. 23928, Jul. 4, 2012>

This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)
